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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/870,045

05/29/2001

Brant L. Candelore

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04/12/2006

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EXAMINER

SHELEHEDA, JAMES R

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 04/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/870,045

Applicant(s)

CANDELORE, BRANT L.

Examiner

James Sheleheda

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/20/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The Finality of the previous action has been withdrawn as claims 1-9 now stand rejected under Blatter et al. (5,933,500), in response to applicant's IDS, submitted 03/20/06.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Blatter et al. (Blatter) (5,933,500) (of record).

As to claim 1, Blatter discloses a program viewing unit (Fig. 1), comprising
a source (demodulator, 20) of program data including content in scrambled
format (column 3, lines 14-32 and column 4, lines 44-58);

a conditional access unit (50) that de-scrambles the content in the scrambled
format to produce program data with the content format in a clear format (column 6,
lines 41-55);

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a switching unit (33), coupled to the conditional access unit (see Fig. 1), that enables simultaneous (see Fig. 1; wherein PID selectors, 45 and 47, separately select and forward packets for display and storage; column 4, lines 47-49 and lines 53-58) viewing of program data with the content in the clear format (column 6, lines 50-52, column 7, lines 45-57 and column 3, lines 33-38) and recording of the program data of the content in the scrambled format (column 8, line 62-column 9, line 13 and column 9, lines 27-32), the switching unit routes the program data (column 4, line 44-column 5, line 15) with the content in the scrambled format for storage (column 8, line 62-column 9, line 13 and column 9, lines 27-32) and the program data with the content in the clear format for viewing (column 6, lines 50-52, column 7, lines 45-57 and column 3, lines 33-38) in response to instructions from a central processing unit (115; column 4, lines 30-43 and 59-62).

As to claim 2, Blatter discloses wherein the source is a demodulator (20, Fig. 1).

As to claim 3, Blatter discloses wherein the switching unit comprises a multiplexer (mux, 37; Fig. 1).

As to claim 4, Blatter discloses wherein the switching unit routes the program data with the content in the scrambled format to the conditional access unit (50, column 4, lines 44-58), the conditional access unit being implemented physically separate from the switching unit (see Fig. 1).

As to claim 5, Blatter discloses an encoding unit (80, 85), coupled to the switching unit (see Fig. 1), that encodes the program data with the content in the clear format before transmitting the program data with the content in the clear format to a display unit (converting the video and audio to the required display format; column 3, lines 32-35).

As to claim 6, Blatter discloses an encoding unit (90), coupled to the switching unit (see Fig. 1), that transmits the program data with the content in the scrambled format to a recording device (column 12, lines 27-32).

As to claim 7, Blatter discloses a de-multiplexing unit (70), coupled to the switching unit (see Fig. 1), that transmits the program data with the content in the clear format to a viewing unit (Fig. 1; separating and routing the video and audio streams; column 7, lines 45-57).

As to claim 8, Blatter discloses wherein the program data in clear format is first encoded prior to transmittal to the viewing unit (converting the video and audio to the required display format; column 3, lines 32-35).

Claim Rejections - 35 USC § 103

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blatter as applied to claim 8 above and further in view of the 5C Digital Transmission Content Protection White Paper (DTCP) (Revision 1.0, July 14th, 1998).

As to claim 9, while Blatter discloses wherein the content signal is encoded before transmission to the display, he fails to specifically disclose wherein the encoding is digital transmission copy protection (DTCP).

In an analogous art, DTCP discloses a method of content protection wherein a set top box (source device; see Fig. 6 and 7) will encrypt content utilizing seed keys as defined by the DTCP specification (see page 10) before transmitting the content to a display (sink device; see Fig. 6 and 7 and page 10) for the typical benefit of ensuring content protection and preventing content from being intercepted when being transmitted to the display device (Figs. 6 and 7; page 1, lines 1-20).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Blatter's system to include wherein the encoding is digital transmission copy protection (DTCP), as defined by the 5C Digital Transmission Content Protection White standard, for the typical benefit of allowing a content protection system to further ensure that content is protected and not intercepted when being transmitted to the display device.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on _____
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

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Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. () _____ - _____ on _____.
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Registration Number: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

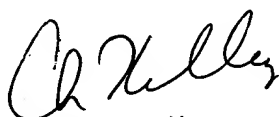
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (571) 272-7357. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Sheleheda
Patent Examiner
Art Unit 2623

JS


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